REMARKS

In the Office Action mailed January 26, 2006, a restriction of Applicants' invention was required as between nineteen allegedly distinct invention groups.

Applicants traverse this requirement and request consideration of all claims together in this application, or at least a re-grouping of the restriction, for the reasons set forth below.

The present invention relates to the discovery that human cellular protein gastrointestinal glutathione peroxidase (GI-GPx) is specifically and uniquely downregulated in a cell as a result of Hepatitis C virus (HCV) infection. Methods and prophylactic/therapeutic compounds that flow naturally from such discovery are disclosed and claimed.

The Examiner's original grouping of the claims indicates that each of the practical applications of the above discovery described in the application and recited in the claims have been regarded as a separate invention that must be prosecuted separately, as has every use of the compounds discovered to treat HCV as defined in the claims. However, because the embodiments of the invention share common features, fractionation of the claims as required in the Office Action would lead to unnecessarily repetitive examination and an unfairly protracted and expensive series of related applications to be filed by Applicants to obtain the patent protection to which they are entitled. Moreover, they are not unrelated methods and products; they are all methods and products that stem from the link discovered between the downregulation of GI-GPx in HCV infection.

Applicants submit that a search of the art relevant to any one of Groups III, IV, or V will reveal all the art relevant to all three invention groups. Accordingly, Applicants request reconsideration and at least removal of the restriction requirement between Groups III-V because examination of all claims of these groups together will be more efficient and less burdensome for both Applicants and the PTO.

Conclusion and Provisional Election

Applicants submit that in view of the foregoing remarks all the claims herein are seen to relate to a single inventive concept, and the claims are in a form and are of the sort that is properly viewed as relating to a single invention that should not be restricted. Applicants request that the restriction requirement of the Office Action of January 26, 2006 be reconsidered and withdrawn.

Although, for reasons set forth above, Applicants believe that the restriction is improper and uncalled for, and without in any way acquiescing in the reasons for the requirements set forth in the Office Action, but in order to be fully responsive to the Office Action, Applicants provisionally elect for examination the claims of Group IV, i.e., Claims 4-14. Additionally, Applicants provisionally elect the

species combination of all-trans-retinoic acid and selenium salts. In making this species election, it is not the intention of the Applicants to abandon any of the inventive subject matter disclosed in the application as originally filed. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR §1.141. Applicants note that Claims 4-10 of the elected invention Group IV are currently generic with regard to species.

Additionally, Applicants note they have included an amended claim set herein which incorporates the renumbering mentioned by the Examiner in the Office Action to overcome the omission of a claim numbered 20 in the original claim set. Applicants submit the claims are now in proper format for examination.

Respectfully submitted,

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February 27, 2006
date

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